



Atty. Docket No.: 2000522.122 US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Seth HABERMAN et al. Confirmation No.: 9448
Application No.: 09/545,015 Art Unit: 2623
Filed: April 7, 2000 Examiner: Scott E. Beliveau
For: SYSTEM AND METHOD FOR PERSONALIZED MESSAGE
CREATION AND DELIVERY

DECLARATION UNDER 37 C.F.R. § 1.131

We, Seth Haberman and Chet Schuler, hereby declare as follows:

1. We are the co-inventors of the above-referenced patent application.
2. All the work described within this declaration was performed in the United States.
3. All of the work described within this declaration was performed by us, or on our behalf and under our supervision.
4. We have reviewed our records, including the exhibits submitted herewith, and declare that a method/system for dynamically constructing a non-interactive personalized advertisement to be viewed by an intended audience, as claimed in claims 1 and 3-13, was conceived and reduced to practice at least prior to March 23, 2000, i.e., the filing date of U.S. Patent Application No. 09/533,842, from which Ficco U.S. Patent Publication No. 2005/0166224 A1 claims the benefit (hereinafter "Ficco").

5. Attached are screenshots from a presentation (“Exhibit A”) dated at least by March 23, 2000 showing the construction of a non-interactive personalized advertisement to be viewed by an intended audience, as claimed in claims 1 and 3-13. This presentation was prepared by Visible World, the assignee of the present invention based on our conception of the claimed invention and under our supervision. Portions of this presentation not relating to the claimed invention have been redacted to minimize the disclosure of unrelated confidential information.
- a) The screenshots from the presentation show that user profile data for the intended audience is obtained (see, e.g., Exhibit A, page 1).
 - b) The screenshots from the presentation show an advertisement template that defines a framework for constructing the personalized advertisement and that includes a plurality of media segment slots constituting the personalized advertisement (see e.g., Exhibit A, pages 2). The media segment slots include video segments slots and audio segment slots, where at least one video segment slot overlaps at least one audio segment slot. For example, as shown on page 30 of Exhibit A, there are “video” segment slots and “music segment slots,” where one of the video segment slots overlaps at least one of the music segment slots. The advertisement template shown in Exhibit A is similar to the template described in FIG. 6 of the above-identified patent application.
 - c) The screenshots from the presentation show that a plurality of expert rules are applied to the user profile data and the advertising template in order to get, from a plurality of media segments including video segments and audio segments in a database,

appropriate media segments for insertion into the plurality of media segment slots in the advertisement template, where several of the video segments are selectable for the same video segment slot of the advertisement template. In addition, each audio segment is selectable for insertion into at least one of the audio segment slots of the advertisement template. As shown in Exhibit A, video segments are selected from one of the five databases for insertion into one of the video segment slots. As also shown in Exhibit A, music segments are selected from one of the five databases for insertion into one of the audio segment slots. Graphics, narrations, URLs, and other media segments are selected from the databases for insertion to the media segments slots in the advertisement template (see, e.g., Exhibit A, pages 2-42).

- d) The screenshots from the presentation show that the personalized advertisement is assembled using the advertisement template and the selected media segments, without any interaction by the intended audience (see, e.g., Exhibit A, pages 2-42).
 - e) The screenshots from the presentation show that the assembled personalized advertisement is provided in a format for delivery to the intended audience for viewing (see, e.g., Exhibit A, pages 43-44).
6. The screenshots from the presentation clearly indicate that the invention comprising a method/system for dynamically constructing a non-interactive personalized advertisement to be viewed by an intended audience, as claimed within the above-identified patent application, including claims 1 and 3-13, was conceived and reduced to practice at least prior to March 23, 2000.

7. In summary, upon review of our records, of which the attached exhibits are representative, we declare that at least prior to March 23, 2000, i.e., the filing date of Picco, we had conceived and reduced to practice the method/system for dynamically constructing a non-interactive personalized advertisement to be viewed by an intended audience, as presently claimed in claims 1 and 3-13.
8. For example, we declare that we reduced to practice prior to March 23, 2000, the subject matter of claim 1, reciting, in combination:

A system for dynamically constructing a non-interactive personalized advertisement to be viewed by an intended audience, comprising:

an advertisement campaign, including:

an advertisement template, defining a framework for constructing said personalized advertisement, said advertisement template comprising a plurality of media segment slots constituting said personalized advertisement, said media segment slots including video segment slots and audio segment slots, wherein at least one video segment slot overlaps at least one audio segment slot;


a plurality of media segments including video segments and audio segments, each video segment selectable for insertion into at least one of said video segment slots of said advertisement template, wherein several of said video segments are selectable for a same one of said video segment slots of said advertisement template, and wherein each audio segment is selectable for insertion into at least one of said audio segment slots of said advertisement template;

a plurality of expert rules; and

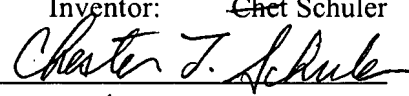
an advertisement assembly component, responsive to user profile data of said intended audience, and configured to apply said plurality of expert rules to said user profile data in order to get appropriate media segments for each of said media segment slots of said advertisement template from a database and incorporate said appropriate media segments into said advertisement template, in order to assemble said personalized advertisement for said intended audience, said assembly performed without interaction by said intended audience.

9. In addition, we declare that we reduced the practice prior to March 23, 2000, the subject matter of claims 3-13.

10. We further declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed:  Inventor: Seth Haberman

Dated: 4/11/07

Signed:  Inventor: ^{Chet L.} Chet Schuler ^{ad}

Dated: 4/13/07

Exhibit A